

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ANDRE YANICK AINA,

Plaintiff,

v.

THE COMMONWEALTH OF
PENNSYLVANIA, *et al.*,

Defendants.

No. 4:21-CV-00794

(Chief Judge Brann)

(Magistrate Judge Carlson)

ORDER

JUNE 10, 2022

Andre Yanick Aina filed this amended 42 U.S.C. § 1983 civil rights complaint alleging that numerous individuals and entities violated his rights with respect to his arrest and prosecution.¹ On May 9, 2022, Magistrate Judge Martin C. Carlson issued a Report and Recommendation recommending that this Court dismiss several Defendants on summary screening of the amended complaint, but permit the complaint to be served on several Defendants.² No timely objections were filed to this Report and Recommendation.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.³ Regardless of whether objections

¹ Doc. 12.

² Doc. 16.

³ Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

are made, district courts may accept, reject, or modify—in whole or in part—the findings or recommendations made by the magistrate judge.⁴ Upon review of the record, the Court finds no error—clear or otherwise—in Magistrate Judge Carlson’s conclusion that Aina’s claims are barred against certain defendants, but may proceed against other defendants. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Martin C. Carlson’s Report and Recommendation (Doc. 16) is **ADOPTED**;
2. Aina’s request for a specified amount of unliquidated damages is **STRICKEN** from the complaint;
3. Aina’s claims against Pennsylvania State Police, Centre County District Attorney’s Office, and Correctional Officer Corl are **DISMISSED**;
4. In accordance with Fed. R. Civ. P. 4(c)(3), the Clerk of Court is directed to **SERVE** a copy of the Amended Complaint (Doc. 12), notice of lawsuit and request to waive service of summons (form AO 398), waiver of the service of summons (form AO 399) and this Order on Trooper Luke Straniere, Adam Luke Morris, Jessica Heveran Lathrop, and Jason A. Lambrino. In the interests of efficient administrative

⁴ 28 U.S.C. § 636(b)(1); Local Rule 72.31.

judicial economy, the Court requests that Defendants waive service pursuant to Fed. R. Civ. P. 4(d);

5. If service is unable to be completed due to Aina's failure to properly name Defendants, or provide an accurate mailing address, Aina will be required to correct this deficiency. Failure to comply may result in the dismissal of Aina's claims against Defendants pursuant to Fed. R. Civ. P. 4(m); and
6. This matter is **REMANDED** to Magistrate Judge Carlson for further proceedings.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge